

IN RE: PETITION FOR ZONING VARIANCE
End of Ridgecliff Court, approx.
820' SE of Merrywood Drive
(11 Ridgecliff Court)
11th Election District
5th Councilmanic District
Glenn R. McKim, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-493-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a front yard setback of 40 feet and a side yard setback of 20 feet, both in lieu of the required 50 feet, for a single family dwelling as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Glenn R. McKim, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 11 Ridgecliff Court, is zoned R.C. 5. The Petitioner testified that due to the grade of the property and location of the septic system, the proposed dwelling cannot be built without the requested variances. Mr. McKim testified that he spoke to the three adjoining property owners who indicated they had no objection to his plans.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with

the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of June, 1988 that the Petition for Variance to permit a front yard setback of 40 feet and a side yard setback of 20 feet, both in lieu of the required 50 feet, for a single family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Compliance with the requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated April 1, 1988, attached hereto and made a part hereof.

AMN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

June 15, 1988

Mr. & Mrs. Glenn R. McKim
248 Kensington Parkway
Abingdon, Maryland 21009

RE: PETITION FOR ZONING VARIANCE
End of Ridgecliff Court, approx. 820' SE of Merrywood Drive
(11 Ridgecliff Court)
11th Election District; 5th Councilmanic District
Glenn R. McKim, et ux - Petitioners
Case No. 88-493-A

Dear Mr. & Mrs. McKim:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs
Enclosure
cc: People's Counsel
File



Dennis F. Razumussen
County Executive

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-493-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 193.3 (1400.3-B.3.1) To allow a front yard setback of 40 feet and a side yard setback of 20 feet in lieu of the required 50 feet setbacks to construct a single family dwelling.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

- 1) Current minimum setback line would cause the house to be built on a grade greater than 25%. By moving the setback line forward it will allow the front of the house to be on level property. The current setback line does not provide a feasible building site.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	Address
City and State	City and State
Attorney for Petitioner:	248 Kensington Pkwy. 676-4693 Address Phone No. Abingdon, Maryland 21009 City and State
Signature	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	Name
City and State	Address
Attorney's Telephone No.:	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of June, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th day of JUNE, 1988, at 2 o'clock P.M.

ESTIMATED LENGTH OF HEARING 1 1/2 HRS.
AVAILABLE FOR HEARING
MON./TUES./WED. - FIRST TWO HOURS
ALL OTHER (over)
REVIEWED BY: J. Robert Haines DATE: 3-22-88

88-493-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
6th day of April, 1988.

J. Robert Haines
ZONING COMMISSIONER

Petitioner: Glenn R. McKim, et ux
Petitioner's Attorney: James E. Dyer
Chairman, Zoning Plans Advisory Committee

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, Md. 21221

May 26, 1988

THIS IS TO CERTIFY, that the annexed advertisement of

PO#00718 REQ# M14912 TO ADVERTISE PETITION FOR ZONING VARIANCE CASE NUMBER 88-493-A LOT #15, RIDGECLIFF COURT, 820' ± SE OF MERRYWOOD DRIVE (11 RIDGECLIFF COURT) 11th E.D. 5th COUNCILMANIC PETITIONERS GLEN R. MCKIM, ET UX HEARING SCHEDULED MONDAY JUNE 13, 1988 at 9:00 am 84 lines at \$46.20

was inserted in The Avenue News a weekly newspaper

published in Baltimore County, Maryland once a week for one

successive week(s) before the 27th day of May 1988:

that is to say, the same was inserted in the issues of 5/26/ 1988.

The Avenue Inc.

per publisher

By: Diane B. Rodwell

Notice Of Hearing
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on the following date:
Case Number 88-493-A
Lot #15, Ridgecliff Court, 820' ± SE of Merrywood Drive (11 Ridgecliff Court) 11th Election District - 5th Councilmanic
Petitioner(s): Glenn R. McKim, et ux
HEARING SCHEDULED: MONDAY, JUNE 13, 1988 at 9:00 a.m.
Variance to allow a front yard setback of 40 feet and a side yard setback of 20 feet in lieu of the required 50 feet setbacks to construct a single family dwelling.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain only requests for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. Robert Haines
Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 3-22-88 ACCOUNT: R-01-615-000

AMOUNT: \$ 35.00

RECEIVED FROM: Glenn R. McKim

FOR: Item #349

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 6/13/88 ACCOUNT: R-01-615-000

AMOUNT: \$ 98.70

RECEIVED FROM: Glenn R. McKim

FOR: Item #349

VALIDATION OR SIGNATURE OF CASHIER

ZONING DESCRIPTION

Being Lot 15 in the subdivision of Merrywood, located in Kingsville, Maryland. Also known as 11 Ridgecliff Court in the 11th Election District. Property is located at the end of Ridgecliff Court approximately 820 feet southeast of Merrywood Drive. Property is recorded in (plot 2) EHR, Liber 40 Folio 114.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th Date of Posting: 5/25/88
Posted for: Variance
Petitioner: Glenn R. McKim, et ux
Location of property: Lot #15, Ridgecliff Ct., 820' ± SE of Merrywood Dr., 11 Ridgecliff Ct.
Location of Signs: At end of roadway of Ridgecliff Ct. near driveway leading to lot #15. Signs to sign address & lot #.
Remarks: See other posting records.
Posted by: [Signature] Date of return: 5/27/88
Number of Signs: 1

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD. May 26, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on May 26, 1988.

THE JEFFERSONIAN,

S. Zabe Orlean
Publisher

\$ 37.50

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on the following date:
Case Number 88-493-A
Lot #15, Ridgecliff Court, 820' ± SE of Merrywood Drive (11 Ridgecliff Court) 11th Election District - 5th Councilmanic
Petitioner(s): Glenn R. McKim, et ux
HEARING SCHEDULED: MONDAY, JUNE 13, 1988 at 9:00 a.m.
Variance to allow a front yard setback of 40 feet and a side yard setback of 20 feet in lieu of the required 50 feet setbacks to construct a single family dwelling.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain only requests for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. Robert Haines
Zoning Commissioner of Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
County Office Building
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 5/31/88



Dennis F. Rasmussen
County Executive

Re: Mr. & Mrs. Glenn R. McKim
248 Kensington Parkway
Abingdon, Maryland 21009

Re: Petition for Zoning Variance

CASE NUMBER: 88-493-A
Lot #15, Ridgely Court, 820' SE of Merrywood Drive
(11 Ridgely Court)
11th Election District - 5th Councilmanic
Petitioner(s): Glen R. McKim, et ux
HEARING SCHEDULED: MONDAY, JUNE 13, 1988 at 9:00 a.m.

Dear Mr. & Mrs. McKim:

Please be advised that \$98.70 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gs

cc: file

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
County Office Building
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

April 19, 1988



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance

CASE NUMBER: 88-493-A
Lot #15, Ridgely Court, 820' SE of Merrywood Drive
(11 Ridgely Court)
11th Election District - 5th Councilmanic
Petitioner(s): Glen R. McKim, et ux
HEARING SCHEDULED: MONDAY, JUNE 13, 1988 at 9:00 a.m.

Variance to allow a front yard setback of 40 feet and a side yard setback of 20 feet in lieu of the required 50 feet setbacks to construct a single family dwelling.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Glenn R. McKim, et ux
File

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 27, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cc:

Mr. & Mrs. Glenn R. McKim
248 Kensington Parkway
Abingdon, Maryland 21009

RE: Item No. 349 - Case No. 88-493-A
Petitioner: Glenn R. McKim, et ux
Petition for Zoning Variance

Dear Mrs. & Mrs. McKim:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
494-3554

May 10, 1988



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 348, 349, 350, 351, 352, 353, 355, 356 and 357.

Very truly yours,

Stephen E. Weber, P.E.
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/pml-b

RECEIVED
MAY 16 1988
ZONING OFFICE

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

4/1/88
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 349, Zoning Advisory Committee Meeting of April 5, 1988

Property Owner: Glen R. McKim, et ux

Location: Lot #15, Ridgely Court, 820' SE of Merrywood Drive

Water Supply: private Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a building permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3773, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appliances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to raising of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3773.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed handler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- () Soil percolation tests, have been conducted. The results are valid until Sept. 1, 1988. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others: Report house location must be approved by this office to ensure it is in compliance with setback and elevation requirements relative to the well and proposed sewage disposal area. Contact owner of the soil evaluation section at 494-2762 for further information.

Karen M. Morrey
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

Baltimore County
Fire Department
Towson, Maryland 21204-2386
494-4500

Paul H. Reincke
Chief

April 14, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Glen R. McKim, et ux

Location: Lot #15, Ridgely Ct., 820' +- SE of Merrywood Dr.

Item No.: 349

Zoning Agenda: Meeting of 4/5/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Particular note to lots #14 and 15 shall be 16 feet in width.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. L. J. Kelly, 4-14-88
Special Inspection Division

Noted and Approved: John F. O'Neill
Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
Date: May 16, 1988
FROM: P. David Fields, Director
Office of Planning and Zoning
SUBJECT: Zoning Petitions #88-480-A, 88-481-A, 88-482-A, 88-483-A, 88-484-A, 88-485-A, 88-486-A, 88-487-A, 88-488-A, 88-489-A, 88-490-A, 88-491-A, 88-492-A, 88-493-A, 88-494-A, 88-495-A, 88-496-A, 88-497-A, 88-498-A, 88-499-A, 88-500-A, 88-501-A, 88-502-A, 88-503-A, 88-504-A, 88-505-A

There are no comprehensive planning factors requiring comments on these petitions.

PDF/jat

P. David Fields
P. David Fields, Director
Office of Planning and Zoning

RECEIVED
MAY 17 1988
ZONING OFFICE

cc: Glen R. McKim, et ux
5/18/88

CPS-008

Glen R. McKim
248 Kensington Pkwy.
Abingdon, MD 21009
April 11, 1988

Mr. J. Robert Haines
Zoning Commissioner of Baltimore Co.
111 W. Chesapeake Avenue
Towson, MD 21204

Dear Mr. Haines:

This letter is to request an expeditious hearing before the Zoning Commissioner of Baltimore County in reference to zoning variance request #349.

I purchased the property known as Lot 15 in the subdivision of Merrywood with the intention of locating my house in the suggested building site area marked on my plot as computed by Frederick Ward Associates, Inc., Registered Land Surveyor.

After final design of our house, my builder expressed concern regarding the site. I had the property re-surveyed by Shenk Corporation and it was discovered that the current minimum set back lines would cause the house to be built on a grade of greater than 25%, therefore not providing a feasible building site. In fact, after meeting with the zoning department, it was ascertained that with 1.6 acres of land, I only have one (1) possible building site which caused me to generate a zoning variance request.

The time involved with the surveying process coupled with the additional delay due to the zoning variance has caused me hardship due to the fact that I had planned to coordinate the sale of my current home with the corporate relocation of a family member to the Baltimore area.

I would appreciate your consideration in granting my request. Thank you.

Sincerely,

Glen R. McKim
Glen R. McKim

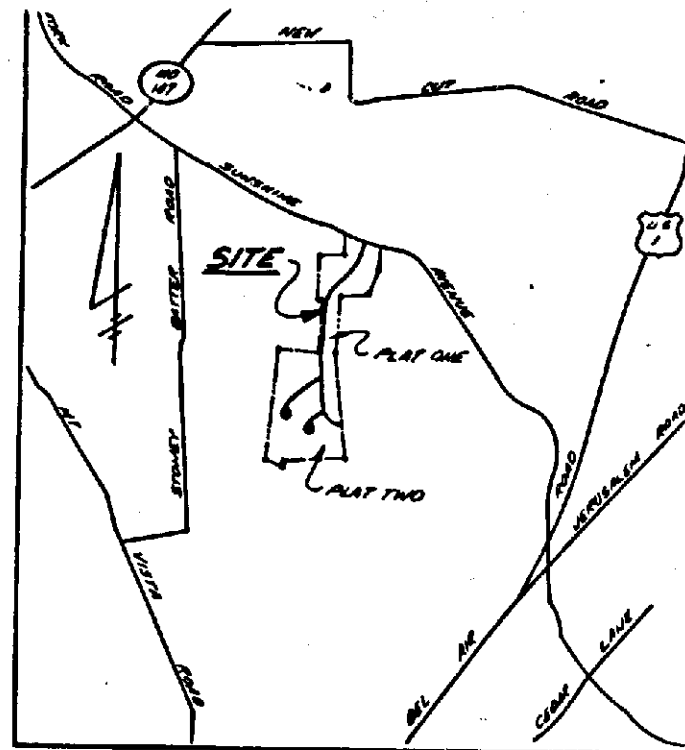
FROM THE DESK OF J. ROBERT HAINES

TD: Ann Nastarowicz
James E. Dyer
W. Carl Richards
James H. Thompson

See me immediately
Discuss with me
Prepare draft response
Please follow up
Collect \$20.00 fee
Please handle
Please attend meeting
Prepare written report
Please file
Set up conference
Other

RECEIVED
APR 13 1988
ZONING OFFICE

ZONING: RC-5
(old RDP)
Well & Septic



LOCATION MAP

Distance Merrywood drive
to end of Ridgecliff Lane 820'±

